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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,573	07/20/2001	Andreas Kaplan	I-15407	2213
7590	04/13/2004		EXAMINER	
D. Edward Dolgorukov Marshall & Melhorn, LLC Eighth Floor Four SeaGate Toledo, OH 43604			KUMAR, SHAILENDRA	
			ART UNIT	PAPER NUMBER
			1621	
			DATE MAILED: 04/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/909573	7/20/2001	Kaplan et al	1-15407
EXAMINER			
S. Kumar			
ART UNIT	PAPER		
1621	44204 12		

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**Commissioner for Patents**

Newly submitted claims 15-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims were compound claims as against newly added claims are method of use claims.

Since applicants have received an action on the merits for the original presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-17 are withdrawn from the consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 2303.

The amendment filed on 4/7/04 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the original claims were drawn to the compound claims as against newly added claims 15-17 which are drawn to the method of use claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication should be directed to SHAILENDRA - KUMAR at telephone number (571)272-0640.

SHAILENDRA - KUMAR  
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Art Unit 1621